



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,664	10/05/2005	Seiji Kiriyama	09867/0203329-US0	7179
7278	7590	10/08/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			RENWICK, REGINALD A	
		ART UNIT	PAPER NUMBER	
		3714		
		MAIL DATE		DELIVERY MODE
		10/08/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/547,664	KIRIYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	REGINALD A. RENWICK	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/11/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

***DETAILED ACTION***

***Information Disclosure Statement***

The Information Disclosure Statement filed on 09/11/2008 has been considered on August 2, 2007 for review in the examination of the disclosed invention.

***Claim Rejections - 35 USC § 103***

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castro (U.S. 2,325,037) in view of Keiji (JP 2003-024512 as disclosed by Applicant).

Regarding claim 1, Castro discloses a butter vending machine containing a tray (Fig. 5; 12) comprising of a bottom wall on which butter is accumulated; and side and rear walls surrounding three sides of the bottom wall, wherein the rear wall is provided with a protrusion portion, located above 12 and below 60, for regulating accumulation of butter along the rear wall, so that the protrusion portion projects forward and is provided above the bottom wall so as to be separated from the bottom wall. However, Castro does not disclose that the vending machine disposes of medals in the tray. However, Keiji discloses a medal gaming device with a medal tray that keeps medals from sticking onto the inner wall.

The Applicant has amended the claim language of claim 1 to further state the protrusion portion is tapered in the vertical direction from a base portion joined to the rear wall toward a tip, and disposed between a medal ejection port and the bottom wall so that medals ejected from the medal ejection fall on a tapered portion of the protrusion portion. Although the claim language contains added to the previously language claim 4 rejected in error and incorporates said language into claim 1, the examiner believes that the added claim language does not present matter that would differentiate the instant application from the prior art, Castro. In Fig. 5, one could see that the object between objects 12 and 60, offers a protrusion that is thinner at the top of the protrusion or tapered, in the horizontal direction. This difference in tapering does not modify the function nor the outcome of the process for which the protrusion member is associated with. The orientation of the triangle created to dispense the material is a simple matter of design choice as one does not provide added functional benefit over the next. Furthermore the protrusion of Castro is located in between the ejection port and the bottom wall so that the ejected material falls on the tapered portion located at the top of the protrusion in the vertical direction. One could foresee that any material including medals would fall onto the protrusion portion of Castro.

The utility of both the trays of Castro and the instant application are that they are trays that collect items from a dispensing unit. Furthermore, it is the opinion of the examiner that the manner in which Castro collects items can be applied across a variety of dispensing units as it is a matter of intended use for which material the dispensing unit

would dispense. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to apply the technique of dispensing items using a protrusion within the rear wall as taught in Castro, to improve dispensing items into the tray of Keiji to achieve the predictable result of dispensing items in a manner that limits the amount of items between the rear wall and the bottom wall.

Regarding claim 2, Castro discloses that the sidewall has a butter ejection port as is seen by the incompleteness of side wall 35 within Fig.5 which opens at bottom of the sidewall is an opening for the dispensing or porting of butter into the dispensing area, object 12.

Regarding claim 3, Castro significantly meets the limitations of claim 3 except for disclosing curved walls between the bottom wall and rear wall. However, Keiji discloses that the medal tray comprises of a curved wall between the bottom and rear wall (Fig. 11). It would have been obvious to one skilled in the art to modify the tray of Castro with the curved walls between the bottom wall and rear wall as taught by Keiji, to keep from medals from sticking onto the inner wall part of the medal tray.

Regarding claim 4, Castro discloses that the medal tray comprises of a protrusion portion that is tapered in the vertical direction from a base portion joined to the rear wall toward a tip (object 12, Fig.3). The examiner believes that the tapered member which receives butter simply through its placement would still receive

Regarding claim 5, it would have been obvious to one skilled in the art at the time the invention was made, to extend the protrusion portion of the tray taught by Castro, across the entire length in the width direction of rear wall, to distribute the butter from multiple dispensing units across the entire width of the vending machine as shown in Figure 1. Without the extension of the protrusion the device would work incorrectly because some dispensing units would dispense butter incorrectly, compared to the dispensing units with the protrusion.

Regarding claim 6, Castro significantly meets the claim limitations except for disclosing that a medal game machine comprising of a medal tray.  
(See discussion of claim 1).

### ***Response to Arguments***

Applicant's arguments, filed 06/26/2008, with respect to the rejection(s) of claim(s) 1-6 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further review the examiner believes that the previous claim limitation should be still rejected under Castro under a different rejection. Although the claim language contains added to the previously language claim 4 rejected in error and incorporates said language into claim 1, the examiner believes that the added claim language does not present matter that would differentiate the instant application from

the prior art, Castro. In Fig. 5, one could see that the object between objects 12 and 60, offers a protrusion that is thinner at the top of the protrusion or tapered, in the horizontal direction. This difference in tapering does not modify the function nor the outcome of the process for which the protrusion member is associated with. The orientation of the triangle created to dispense the material is a simple matter of design choice as one does not provide added functional benefit over the next. Furthermore the protrusion of Castro is located in between the ejection port and the bottom wall so that the ejected material falls on the tapered portion located at the top of the protrusion in the vertical direction. One could foresee that any material including medals would fall onto the protrusion portion of Castro.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714

RR  
10/9/2008